

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SONYA S. DEINES, Individually and as
the Personal Representative of the
Estate of Curtis Alan Deines, Deceased;

4:22CV3099

Plaintiff,

vs.

BNSF RAILWAY COMPANY, a
Delaware Corporation; and RAILCREW
XPRESS, LLC, a Delaware Limited
Liability Company;

Defendants.

ORDER

Drive Cam video from Railcrew Xpress, LLC's 2019 Ford Expedition involved in a March 19, 2021, automobile collision which depicts the accident at issue in this case ("Accident Video") is proprietary and confidential. Railcrew Xpress, LLC therefore has an interest in maintaining confidentiality of the Accident Video.

Accordingly,

IT IS ORDERED that Railcrew Xpress, LLC's unopposed motion, (Filing No. 31, is granted, and this case is subject to the following protective order:

- 1) Accident Video (and any derivatives, e.g., still photographs made from the Accident Video) which RCX wishes to keep confidential and from being disclosed to the public or anyone outside the confines of this litigation shall be designated as such by stamping or labeling these materials as "Confidential—Subject to Protective Order" in a conspicuous place and manner.

- 2) These materials shall be treated as confidential by all parties and their representatives and shall not be disclosed to anyone except those necessary for the defense or prosecution of this suit. No disclosure shall be made to anyone outside the context of this litigation.
- 3) If any of these materials are filed with the Court as part of the record in this case, they shall be filed under restricted access¹ and shall remain under restricted access until further Order of the Court.
- 4) Any deposition testimony that refers to or discusses these materials designated as confidential shall be similarly treated.

Dated this 29th day of November, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

¹ For the parties' convenience, the court has modified the proposed order to require that filings be made under restricted access rather than sealed. Restricted access allows only the court and counsel for the parties to view the filed document. Sealing the filing would grant access to only the court.